

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 968139

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 25, 2023

TO: Dawn N. S. Chang, Chairperson
Department of Land and Natural Resources

FROM: David Sakoda, Fisheries Program Manager
Division of Aquatic Resources

SUBJECT: Request to appoint hearing officers to conduct a hybrid virtual/in-person statewide public hearing on the adoption of Hawaii Administrative Rules chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui"

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) will hold public hearings on the proposed adoption of Hawaii Administrative Rules (HAR) chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui" to ensure abundant stocks of priority species and high-quality fishing now and in the future for residents and visitors to Kīpahulu and to reaffirm and perpetuate fishing practices that were customarily and traditionally exercised for Native Hawaiian subsistence, culture, or religion along the southeast coast of Maui. The proposed CBSFA extends from Kālepa Gulch in the west to 'Ohe'ō Gulch in the east, from the shoreline out to approximately 60 meters in depth and includes two subzones: The Kukui Bay Sanctuary and the 'Opihi Rest Area. In addition to an overall bag limit of 10 finfish per person per day within the entire CBSFA, the proposed rules would establish bag limits (commercial and non-commercial), size limits, seasonal closures, and/or gear restrictions for a variety of nearshore species, including akule, 'ōmilu, kala, 'opihi, 'alakuma (Spotted Reef Crab), kole, moi, ula (Spiny Lobster), and ula pāpapa (Slipper Lobster); Prohibit the take of 'opihi within the 'Opihi Rest Area and while diving; Prohibit the take or possession of any native limu species with a holdfast or roots attached; Establish restrictions on the use of gill nets (surround net fishing), bag nets, throw nets, fishing poles (including number of lines and hooks), and SCUBA gear to take marine life (provided that the use of SCUBA gear is allowed by permit to engage in surround net fishing for akule or to take introduced or invasive species); Prohibit the take or possession of any marine life while diving at night (thirty minutes after sunset to thirty minutes before sunrise); Prohibit the take or possession of any marine life while within the Kukui Bay Sanctuary; Acknowledge that native Hawaiian traditional and customary rights recognized under article XII, section 7, of the Hawaii State Constitution shall not be abridged; Carve out an exception allowing vessels in possession of restricted gear or species to traverse through the CBSFA as long as they remain in active transit; Establish the administrative and criminal penalties that may be imposed for violations of the chapter; and recognize the State's asset forfeiture authority as an enforcement tool for violations of the chapter.

Interested persons are urged to participate in the public hearings to present relevant information and individual opinions for DLNR to consider. There are three ways to participate: online via internet or telephone; in-person at one of our host locations; or by written testimony.

The proposed format of the public hearings is a hybrid virtual/in-person format with the main presentation conducted online via Zoom and an in-person host site at Hāna, Maui for those unable to join virtually on their own. DAR will have a Zoom public hearing officer that will facilitate the meeting as well as a public hearing officer at the in-person location. The in-person site will have a TV/projector, speakers, microphone, and camera setup and will be logged into the Zoom meeting that will be shown on the TV/projector for all in attendance to watch. The Zoom public hearing officer will show a pre-recorded public hearing presentation on the proposed rules and then the in-person public hearing officer will facilitate in-person testimony. The in-person testimony will be given via a pre-setup camera and microphone at the in-person location which will be connected to the Zoom meeting and broadcast onto DAR’s YouTube channel. Once all in-person testimony is collected, the Zoom public hearing officer will collect the virtual testimony. DAR requests the following individuals be appointed as officers for the public hearing scheduled for Thursday, August 31, 2023, 5:30 p.m. – 8:30 p.m.:

Date and Time	Location	Officer Name	Officer Title
Thursday, August 31, 2023, 5:30 p.m. – 8:30 p.m.	Online via Zoom	David Sakoda*	DAR Fisheries Program Manager
	Wānanalua Church Hall 5105 Hāna Highway, Hāna, Hawai‘i 96713	Russell Sparks**	DAR-Maui Aquatic Biologist

*Requesting appointment of E. Luna Kekoa, DAR Recreational Fisheries Program Manager, as a back-up public hearing officer in case David Sakoda is unavailable.

**Requesting appointment of Adam Wong, DAR-Maui Education Specialist, and Kristy Stone, DAR-Maui Aquatic Biologist, as a back-up public hearing officers in case Russell Sparks is unavailable.

If you have any questions or concerns, please contact me at (808) 265-0629 or via e-mail at David.Sakoda@hawaii.gov.

- APPROVED
- DENIED



Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources

Jul 28, 2023

DATE